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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,116	01/28/2002	Ralf Fink	218428US0	2626

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EXAMINER

MCCLENDON, SANZA L

ART UNIT

PAPER NUMBER

1711

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/056,116	Applicant(s) FINK ET AL.	
	Examiner Sanza L McClendon	Art Unit 1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-14, and 16 is/are rejected.
- 7) ☒ Claim(s) 8-9 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>1/2</u> . | 6) <input type="checkbox"/> Other: |

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DETAILED ACTION

Claim Rejections - 35 USC § 102 *Claim Rejections - 35 USC § 103*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5-7, 10, 12, and 16 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over GB 1,078,942 (GB-1).

GB-1 teaches production of self-sealing strips and foils, wherein said strips or foils comprises an aqueous resin-containing mixture applied to a flexible carrier sheet, such as PVC. Said aqueous mixture comprises a solid, water-insoluble resin or a mixture thereof with an aqueous dispersion of a chemically neutral vinyl ether polymer or vinyl ether copolymer, wherein said mixture of resin and vinyl ether is then mixed with an aqueous dispersion of a polymer or copolymer of an acrylic acid ester selected from the group found on page 2, lines 12-17. The total mixture is

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then coated onto a flexible carrier material and dried. Said vinyl ether content is found in amounts from 20 to 50 parts by weight and said polyacrylic resin is found in amounts from 25 to 75 parts by weight. GB does not expressly teach using a vinyl alkyl ether containing at least 70-wt% of the structural formula found in claim 1, however GB teaches using vinyl alkyl ether polymers from the series of Lutonal from BASF, such as Lutonal I 60D. This appears to anticipate the vinyl ether found in claim 1 and the K- value of claim 6 since the Patent and Trademark Office is not equipped to conduct experimentation in order to determine whether Applicant's composition differs and, if so, to what extent, from the discussed reference. Therefore, with the showing of the reference, the burden of establishing non-obviousness by objective evidence is shifted to the Applicants.

4. Claims 1-2, 5-7, 10-13 and 16 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Seymour et al (GB 1 280 631).

Seymour et al teaches adhesive materials. Said adhesive materials can comprises mixtures of polyacrylic resins and polyalkylvinyl ethers, such as 50/50 mixture of Acronal 40D and Lutonal M40, both by BASF—see page 3, lines 80-84 and adhesive composition D (page 11). Said adhesive can be applied to a continuous backing or non-continuous backings in solution, by aqueous dispersion, as a hot melt, or by a transfer process using known techniques. Said preferred materials for non-continuous backing are microporous films of plasticized-PVC—see page 5, lines 63-66. Per adhesive example D, Seymour et al teaches using a 50/50 mixture of an polyacrylic resin and a polyalkylvinyl ether resin, which has a plasticity properties of $K = 273$. It is noted that Seymour et al does not expressly teach the K values of each individual resin in the composition, however the examiner contends that the individual resin must have K values in the ranges of at least those found in claims 2 and 6 to produce the total adhesive K value as found in adhesive example D, since the Patent and Trademark Office is not equipped to conduct experimentation in order to

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determine whether Applicant's composition differs and, if so, to what extent, from the discussed reference. Therefore, with the showing of the reference, the burden of establishing non-obviousness by objective evidence is shifted to the Applicants.

5. Claims 1, 3-5, 7, 10 and 14-16 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Lee (4,469,774).

Lee teaches positive working photosensitive benzion esters. Said compounds can be used in lithographic and relief printing plates and/or photoresist compositions. Per example 15 (see column 15, lines 55-60), Lee teaches a composition comprising an acrylic copolymer comprising photoinitiator moieties with 6 parts by weight of polyvinyl ethyl ether. It is noted that Lee does not expressly show the formula for the polyvinyl alkyl ether, however the vinyl alkyl ether of example 15 appears to anticipate the formula of claim 1 wherein x is a single bond and R is an ethyl group (C2 alkyl group), in the alternative, since Patent and Trademark Office is not equipped to conduct experimentation in order to determine whether Applicant's composition differs and, if so, to what extent, from the discussed reference. Therefore, with the showing of the reference, the burden of establishing non-obviousness by objective evidence is shifted to the Applicants. The polyacrylates of example 15 appears to anticipate claim 1 and claims 3-4. The composition of example 15 is coated onto an aluminum sheet and cured using actinic radiation. This appears to anticipate the large-area film of claim 14. Once cured the photosensitive composition appears to anticipate claims 16 and 10, wherein it appears to be an adhesive composition because it is adhered to a substrate once cured.

Allowable Subject Matter

6. Claims 8-9 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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7. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach a mixture according to claim 1, wherein the mixture is obtained by producing a polyacrylates by solution polymerization and adding a polyvinyl alkyl ether prior to the removal of the solvent used for the polymerization, nor wherein the mixture exhibits a content of water and/or solvent in less than 5 parts by weight based on 100 parts by weight of the sum of A) and B) in claim 1. The prior art fails to teach the mixture of claim 8 is applied in the melt at the temperatures in claim 15 and then crosslinking with UV irradiation.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L McClendon whose telephone number is (703) 305-0505. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (703) 308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0657.

Sanza L McClendon

Examiner

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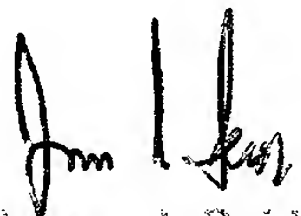
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SMc

July 28, 2003



James J. Seidleck
Supervisory Patent Examiner
Technology Center 1700